

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
May 31, 2005

**D044765        People v. Johnson**

The judgment of the trial court is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D045414        In re Zaire S. et al. Juvenile**

The orders terminating parental rights to Zaire, Davion and Akime and placing them for adoption are affirmed. McIntyre, J., We Concur: Haller, Acting P.J., O'Rourke, J.

**D044184        Fischl et al., v. Balance Sports Corporation et al.**

The judgment is affirmed. Each party is to bear its own costs. Nares, J.; We Concur: McConell, P.J., Aaron, J.

**D045367        People v. Vorise**

The judgment is affirmed. O'Rourke, J. We Concur: Benke, Acting P.J., Aaron, J.

**D046292        In re Smith on Habeas Corpus**

The petition is denied.

**D045361        People v. Middlecamp**

The judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., Irion, J.

**D043523        People v. Armitage**

The burglary conviction on count 1 in case No. SCD172181 is reversed. The remaining convictions are affirmed. The case is remanded for resentencing in accordance with the views expressed in this opinion. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

**D045906        Ronald Y. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. The request for stay is denied as moot. McDonald, J.; We Concur: Huffman, Acting P.J., Irion, J.

**D046498        In re Kaylee E., a Juvenile**

The notice of appeal is untimely. The appeal is dismissed.

**D046512        People v. Kennedy**

The transfer is denied as a matter of law.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 1, 2005

**D045016        People v. Muller**

Appellant's request for judicial notice filed on May 9, 2005, is GRANTED. Appellant's request for constructive notice of appeal is DENIED. Respondent's opposed motion to dismiss the appeal filed on April 12, 2005, is GRANTED.

**D044834        People v. Valdez**

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.

**D046049        In re Christopher J., a Juvenile**

The appeal is dismissed. McDonald, Acting P.J.; We Concur: Aaron, J., Irion, J.

**D042950        Huntington Life Sciences Inc., et al. v. Stop Huntington Animal Cruelty USA, Inc., et al.**

We affirm the order on the special motion to strike under section 425.16 as to Macdonald's and HLS's cause of action against SHAC USA and Kjonaas for harassment under sections 527.6 and 527.8, and as to Macdonald's causes of action against them for intentional infliction of emotional distress and invasion of privacy<sup>14</sup>, and as to her individual claim against them under Business and Profession Code section 17200. We reverse the order as to the following causes of action against SHAC USA and Kjonaas: trespass, negligent infliction of emotional distress, intentional and negligent interference with prospective economic advantage and violation of San Diego Municipal Code section 52.2003. We also reverse the order as to the following causes of action as to HLS only: intentional infliction of emotional distress, invasion of privacy and violation of Business and Professions Code section 17200.

As to Agranoff, we affirm the order as to Macdonald's cause of action against him for violation of San Diego Municipal Code section 52.2003. We reverse the order as to all other causes of action against Agranoff.

We direct the court on remand to grant SHAC USA and Kjonaas judgment on the pleadings on HLS's unfair competition cause of action, and on Macdonald's unfair competition cause of action insofar as it purports to be a representative action; modify the injunction in accordance with part VIII of this opinion; and consider defendant's request for attorney fees.

The parties are to bear their own costs on appeal.

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<sup>14</sup> The sixth cause of action, for "Intrusion into Private Affairs," duplicates the fifth cause of action.

CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

**D045981        Cedric G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 1, 2005 (Continued)

**D045823        Baustert v. Superior Court of San Diego County/People**

Let a writ of prohibition issue preventing the court from taking any further action except to dismiss the charges against Baustert. The stay issued by this court on February 3, 2005, is vacated. The opinion is final as to this court immediately. (Cal Rules of Court, rule 24(b)(3)). CERTIFIED FOR PUBLICATION. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D044248        People v. Goodar**

The trial court's judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D044880        La Jolla Cove Investors, Inc. v. Wrobel et al.**

Upon written request filed by appellants, the appeal is DISMISSED as to respondent Paul Neuharth ONLY and the remittitur is ordered to issue immediately as to respondent Paul Neuharth ONLY (Cal. Rules of Court, rule 20(c)(2)).

**D046214        Quality Discount Ice Cream, Inc. v. Ford Motor Credit Company/All-Cal Adjusters**

Pursuant to California Rules of Court, rule 8, the appeal filed April 4, 2005, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal and for failure to timely designate the record on appeal. (Cal Rules of Court, rule 4(a)(b) and 5(a)(c)).

**D046510        Chaudry v. Superior Court of San Diego County/Whispering Ridge Homeowners Association**

The execution sale scheduled for June 2, 2005 is stayed pending further order of this court.

**D044282        People v. Mateljan (and five other cases)**

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 2, 2005

**D046332        In re Monroy on Habeas Corpus**

The petition is denied.

**D045254        In re Gerardo P., a Juvenile**

The order is affirmed. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

**D045988        In re Vanessa T. et al., Juveniles**

The appeal is dismissed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

**D046509        Drews v. The Superior Court of Imperial County/The People**

The petition is denied.

**D044911        Miller v. Rancho Santa Fe Association et al.**

Upon written stipulation filed by the parties, the appeal is dismissed as to Rancho Santa Fe Association only.

**D046293        In re Cruz on Habeas Corpus**

The petition is denied.

**D046294        In re Williams on Habeas Corpus**

The petition is denied.

**D046510        Chaudry v. Superior Court of San Diego County/Whispering Ridge Homeowners Association**

Let a peremptory writ of mandate issue directing the superior court to vacate its order of May 25, 2005, and enter an order staying the execution sale until the court has heard and ruled on the motion to quash. Chaudry is entitled to costs, if any, in the writ proceeding. The stay issued by this court on June 1, 2005 is vacated. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3)). Benke, Acting P.J.; We Concur: McIntyre, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
June 3, 2005

**D044743        In re Marriage of Rochin**

The trial court's judgment is affirmed, but modified to eliminate the court's finding that Alejandro's parents were attempting to defraud MediCal. Aaron, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D045140        Willis v. County of San Diego**

The order is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D045329        In re the Marriage of Garcia-Burgos and Cruz**

The order is affirmed. Irion, J., We Concur: McIntyre, Acting P.J., Aaron, J.

**D046271        In re Marriage of Belford**

Bradley Belford's appeal from the order of March 29, 2005, striking his statement of disqualification of Judge Patricia Garcia is dismissed.

**D044305        Thompson v. Turner**

The order denying the motion to reinstate the complaint is affirmed. Each party shall bear his own costs on appeal. Huffman, J.; We Concur: McConnell, P.J., Haller, J.

**D044636        People v. Villaroman**

Judgment affirmed. Benke, J.; We Concur: McConnell, P.J., Nares, J.

**D045287        Ritzinger v. Holden**

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D046526        Ragna R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The notice of intent to file writ petition and request for record filed May 27, 2005, is untimely. The case is dismissed.

**D046084        National Staff Network et al. v. Worker's Compensation Appeals Board and Evelyn Mann-Harrison**

Let a writ of review issue ordering the Worker's Compensation Appeals Board (the Board) to certify and return to this court any material which were before the Board in making its decision in the matter of Evelyn Mann Harrison v. National Staff Network et al., RDG63681, which are not contained in the petition for review currently before this court. These materials should be received by this court on or before July 5, 2005. Leave is granted to the Board to appear in these proceedings and to file a response by no later than July 29, 2005. The documents currently on file shall constitute a return to the writ subject to any party filing a supplemental written return on or before August 12, 2005. Unless requested on or before August 12, 2005, oral argument will be deemed waived.

**D046288        In re Downey on Habeas Corpus**

The petition is denied.